

## REMARKS

### I. STATUS OF THE CLAIMS

Claims 1, 4-5, and 9-14 are cancelled herein and new claims 31-38 are added. Therefore, claims 15-19 and 30-38 are pending and under consideration.

### II. ALLOWABLE SUBJECT MATTER

In the Office Action, Examiner indicated that claim 30 is allowed. New claims 31-38 depend from claim 30 and include all of the features of that claim, plus additional features which are not taught or suggested by the cited art and therefore are patentably distinguished over the cited art.

### III. CLAIMS 1, 4, 5, AND 10-19 ARE REJECTED UNDER 35 USC 103(a) AS BEING UNPATENTABLE OVER ONAKA ET AL. (6,351,323) IN VIEW OF SUZUKI (4,945,531) AND KERSEY ET AL (6,594,410)

Claim 15 recites:

each of said plurality of optical node device comprising:  
a wavelength selecting filter optically connected to said tunable wavelength selecting element for removing noise present in any bands other than a signal band of each optical signal passing through said tunable wavelength selecting element.

Onaka discloses that when the AOTF 10 does not add/drop a wavelength, the optical amplifier 21 is stopped or the selected band of the AOTF 10 is set off. If the optical amplifier is operating, an ASE (amplified spontaneous emission) light is added as a noise to the through optical signal even if an optical signal is not added, thereby deteriorating the SN ratio. See col. 8, lines 53-58.

Onaka fails to teach or suggest each of the plurality of optical node devices comprising the wavelength selecting filter of amended claim 15.

Suzuki discloses that an optical filter 100 functions to remove spontaneous emission noise from the amplified WDM signal. The optical filter 100 includes an optical demultiplexer 101 for demultiplexing the four optical signals having wavelengths substantially equal to the wavelengths  $\lambda_1$ ,  $\lambda_2$ ,  $\lambda_3$ , and  $\lambda_4$  from the WDM signal, respectively, and an optical multiplexer 102 for multiplexing the four optical signals into the WDM signal again. Thus, the optical filter

100 can selectively pass through only the optical signals having a spectrum of substantially  $\lambda_1$ ,  $\lambda_2$ ,  $\lambda_3$ , and  $\lambda_4$ . See col. 2 lines 47-56.

Suzuki fails to teach or suggest the wavelength selecting filter of amended claim 15 that recites "each of said plurality of optical node device comprising a wavelength selecting filter optically connected to said tunable wavelength selecting element for removing noise present in any bands other than a signal band of each optical signal passing through said tunable wavelength selecting element."

Kersey relates to filtering an optical WDM signal through several filters, wherein the transmission band of the first filter has a means for filtering ASE noise comprising a wavelength.

Kersey fails to teach or suggest each of the plurality of optical node devices comprising the wavelength selecting filter of amended claim 15.

Accordingly, claim 15 patentably distinguishes over the cited art.

Claims 16-19 depend from claim 15 and include all of the features of that claim, plus additional features which are not taught or suggested by the cited art and therefore patentably distinguish over the cited art.

#### IV. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

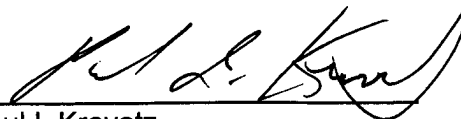
Respectfully submitted,

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